

## **Ex Parte via the Clerk Frequently Asked Questions (FAQs)**

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## **General Questions**

### **1) What gives the Court authority to require that designated matters be presented in the Ex Parte Department by the Clerk?**

Amendments have been made to the following King County Local Rules to clarify which motions must be presented in Ex Parte, and of those, which must be presented by the Clerk: LCR 7; LCR 40; LCR 40.1; LCR 54; LCR 55; LCR 65; LCR 66; LCR 77; LCR 98.04; LGR 15; LFLR 5; and LFLR 15.

### **2) What types of documents are required to be presented by the Clerk?**

Generally, the Clerk will present documents that are agreed, do not require testimony, are not of an emergent nature and do not impact the trial schedule or involve discovery. New or reopened probate matters may be presented either by the parties or by the Clerk.

For more specific information about which documents are to be presented by the Clerk and which can be presented by parties, please see the Clerk's office website at: <http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>. The Motions and Hearings Manual, as well as the Ex Parte Master List, can be found at this site and will help you determine whether your matter is to be presented in person or via the Clerk.

### **3) What types of documents may be presented directly by the parties?**

Certain documents may be presented directly by the parties. Anti-harassment, domestic violence, sexual assault and vulnerable adult protection orders, and

restraining orders shall be presented in person. Additionally, orders requiring testimony and final child custody and parenting plan orders shall be presented in person. New or reopened probate matters may either be presented in person or by the Clerk. For more specific information about which documents are to be presented by the Clerk and which can be presented by parties, please see the Clerk's office website at:

<http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>. The Motions and Hearings Manual, as well as the Ex Parte Master List, can be found at this site and will help you determine whether your matter is to be presented in person or via the Clerk.\

**4) Are there more instructions or help available for determining if my matters are required to be presented in Ex Parte by the Clerk?**

Yes. The Ex Parte and Probate Department Motions and Hearings Manual contains further instructions and a detailed list of all the types of orders processed through that department. It is available in any Clerk's Office location, or at the Clerk's Office website at <http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>. The local rules governing this practice are also available at these same locations.

**5) If I have a matter noted before Ex Parte, do I send my documents to Ex Parte via the Clerk?**

No. For those matters that are noted for a hearing before Ex Parte, you are expected to appear for the hearing. You may submit working copies electronically to the Commissioner using the Clerk's [eWorking Copies](#) component or you may drop them off in the Judges' mailroom at the King County Courthouse or the Regional Justice Center, depending on the location where your matter is noted for hearing.

**6) What is the fee for having the Clerk present my documents to the Ex Parte Department?**

For regular service the fee is \$30.00 for up to five orders in a single case, submitted at one time. Each different case or subsequent submission in a previous case requires the payment of an additional presentation fee. You may also choose to expedite your presentation for an additional \$30.00. Expedited matters are presented to the Commissioner within 15 minutes of receipt by the Clerk's Office.

**7) Can I present matters to my assigned judge even if local rules or the Ex Parte Motions and Hearing Manual indicates they must be presented to the Ex Parte Department?**

No. These matters will be returned with instructions for resubmitting to the Ex Parte and Probate Department.

## **Ex Parte Submission Process**

### **8) How long do I have to wait for my documents to be returned for regular service?**

The Clerk's Office and Ex Parte Department staff have worked hard to devise a flow that will result in a quick, efficient turn-around time for documents. Generally, items received by the Clerk's Office will be available within one business day.

### **9) What if I have an emergency and need my order(s) reviewed immediately?**

Individuals can request expedited service. An additional fee of \$30.00 for up to five orders in a single case, submitted at one time, applies. In this instance, staff will immediately (within fifteen minutes) present the materials to the Ex Parte Department, and the judicial officer will consider the matter immediately upon completion of the matter under consideration at the time the expedited item is presented. Generally, items received by the Clerk's Office will be available to the party within an hour.

### **10) Can I bring my documents to the Clerk's Office and wait for my expedited orders to be returned from the court?**

You may if you wish. You will be asked to fill out an Ex Parte Cover Sheet which will include your contact information. Calling a cell phone number to advise that your copies, etc., are available to be picked up is certainly an option.

### **11) How do I submit my materials to be presented by the Clerk?**

Matters that are to be presented by the Clerk can be sent to our offices by mail, delivered in person to a Clerk's Office location, or transmitted electronically via the eFiling application. Detailed instructions to present your materials by mail are available at our "Ex Parte via Mail" website at

<http://www.kingcounty.gov/courts/Clerk/Ex%20Parte/Ex-Parte%20via%20Mail.aspx>.

### **12) Can I use a legal messenger service?**

Yes. Items can be dropped off with the Clerk or picked up by messenger, legal staff, or individuals. Please ensure that a [cover sheet](#) has been completed with appropriate instructions for clerk's office staff. If you are submitting your documents electronically, you will complete an online cover sheet and you will be prompted to upload a messenger slip, if applicable.

### **13) Will you call me when my documents are ready for pick-up?**

Yes, if that is included in your instructions to the Clerk.

### **14) What if I indicate I will pick up my documents when ready, but then forget to come and get them?**

You will receive two phone calls informing you that your documents are ready. After a reasonable waiting period, they will be destroyed and you will have to re-purchase your copies.

**15) What if my motion is denied?**

If your motion is denied, the judicial officer will enter a minute order which will include the reason for the denial. This minute order will also contain instructions on how you may proceed, if applicable.

**16) What if I am unable to pay the Ex Parte via the Clerk presentation fee?**

Fee waivers are available to individuals able to document that payment of the presentation fee would cause a financial hardship. To learn more about qualifying for a fee waiver, contact the Clerk's Office by calling 206-296-7831 in Seattle or 206-205-8426 in Kent. You may also inquire about fee waivers in person at any Clerk's Office location. The fee waiver form is also located on our Ex Parte via the Clerk website.

Fee waivers may be granted for a period no longer than six (6) months. If your fee waiver is granted you will be required to include a copy of the fee waiver with each subsequent request within that time period.

**17) How will I be able to get writs or letters issued/returned?**

Your submission will include a [cover sheet](#) with instructions for how you want the documents to be handled once your motion has been ruled on. If submitting your documents electronically, the eFiling application will guide you through this process.

**eFiling and Ex Parte via the Clerk**

**18) Can I e-file my documents to be presented to the Ex Parte Department?**

Yes. Please refer to [LGR 30](#) for information on mandatory e-filing. Please be advised that the Clerk does not accept proposed orders for filing into the official Court file. You will be prompted to upload your proposed order for the Commissioner's review in the eEx Parte component of the eFiling application.

**19) How do I present an application for writ of garnishment?**

You may present your application in person or send it by mail. The Clerk's Office is not able to accept applications for writs of garnishment electronically.

**20) How do I present a proposed order to the Ex Parte Department electronically given that the Clerk will not accept proposed orders for filing?**

After e-filing your documents, you may then select 'Ex Parte' (either at the time of e-filing or through your 'My Cases/Status' tab). The eEx Parte via the Clerk module will prompt you to select your e-filed documents, upload your proposed Order(s) and pay the associated fee for presentation to Ex Parte. You will also be given the opportunity to order additional services, such as letters, writs, Form K's, subpoenas and citations. Please see the eEx Parte [tutorial](#) for detailed information on the process.

**21) Do I have to e-file a document in the court file prior to submitting matters to Ex Parte via the Clerk electronically?**

No. You may access the eEx Parte via the Clerk component directly from the eFiling home page, bypassing the e-filing process entirely, if you have no original documents to file within the Court file (such as a stipulation and order, for example). You may also access eEx Parte via the Clerk after e-filing documents or a new case via your confirmation receipt or your 'My Cases/Status' tab, respectively.

**22) How do I submit envelopes?**

You do not need to submit envelopes. If you select the return by mail option, the Clerk will send you your signed order at no additional cost.

**23) Can I still request certified copies, letters, writs and other Clerk services?**

Yes. You will be able to electronically request and pay for certified copies and other clerk services such as writs, letters, Form Ks, citations and subpoenas. You will be asked to indicate the quantity next to each clerk service you select. You will be prompted to upload a writ, subpoena or citation at the "Other Services" screen of the eEx Parte component. You will be charged the appropriate fee based on your selection and quantities desired at the time of checkout.

**24) How will I get a copy of my signed order?**

The clerk will provide **one conformed copy** of each signed order submitted electronically as part of the presentation fee. For non-electronic submissions, you must provide an additional copy of each order(s) for the clerk to conform. You may select how you would like to receive your copy (either by mail, messenger, or pick-up). (Unfortunately, we are not able to offer delivery of signed orders by email at this time.) You may also order additional copies, including certified copies, if you wish.

**25) Do I need to upload copies to be conformed?**

No. The clerk will provide one conformed copy of each signed order, if submitted electronically. You may select how you would like to receive your copy (either by mail, messenger, or pick-up). If you are submitting your documents by mail or in person, please provide additional copies to be conformed.

**26) How do I get to eEx Parte via the Clerk?**

You can access eEx Parte via the Clerk in one of two ways: either in conjunction with e-filing a new case or a document into an existing case, or directly from the eFiling home page. If you are submitting documents to eEx Parte after eFiling, you may access eEx Parte via the Clerk through the "Submit to Ex Parte" button on the top of your confirmation receipt or through "My Cases" under the "E-File Status" tab option. Once you are within the eEx Parte via the Clerk component, you will have the option to select your recently e-filed document(s) for presentation to Ex Parte.

**27) Can I e-file my proposed order to access eEx Parte via the Clerk?**

Please refrain from e-filing a proposed order as a stand-alone document. If you are presenting a document which combines your motion or stipulation and proposed order,

you may proceed directly to eEx Parte from the eFiling home page by clicking the link "Ex Parte via the Clerk."

**28) Will I be able to upload a writ, subpoena or citation etc. to be issued by the clerk?**

Yes. You will be prompted to upload a writ, subpoena or citation at the "Other Services" screen of the eEx Parte component. You will be charged the appropriate fee based on your selection and quantities desired at the time of checkout.

**29) Can I include non-filed documents as part of my eEx parte submission?**

Yes. You will be prompted to upload any additional documents you would like the Commissioner to consider that are not part of the court file through the e-ex parte via the clerk component. Please note that the Clerk will only file your order, once signed by the Court. The Clerk will not file any additional documents included in your Ex Parte submission.

**30) Can I submit multiple cases to eEx Parte at the same time?**

Yes. The eEx Parte component includes a shopping cart functionality which allows you to include multiple cases at one time in one eEx Parte submission, which will allow you to incur the King County e-commerce transaction fee (1.49 for internet check and 2.49 for credit cards) once.

**30) How do I know that my electronic submission has been received by the Clerk?**

You can track your eEx Parte submissions through your 'My Cases/Ex Parte Status' tab. This information will be available for 30 days.